IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 139 of 2007()

Crime No.669/06 of Chalakkudy Police Station

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: PETITIONERS/ACCUSED:

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1. VARGHESE, S/O.PHILIP,
   STHUTHINADATH HOUSE, PANTHALAM,
   PATHANAMTHITTA DISTRICT.

2. RAJESH, S/O.KAMALASANAN,
   MAMBULLI HOUSE, THUMBAMANTHAZHAM DESOM,
   MEZHUVELI VILLAGE, PATHANAMTHITTA DISTRICT.

3. BIJU MATHEW, S/O.MATHAI,
   BIJU BHAVANAM, KULANADA DESOM,
   KOZHENCHERY.

BY ADV. SRI.A.C.DEVY

RESPONDENT: STATE & COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.139 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 2,3 and 4 in Crime No.669 of 2006 of Chalakkudy Police Station for an offence punishable under Section 395 I.P.C., seek their enlargement on bail. The occurrence took place on 6.11.2006 at 1.30 p.m. and the petitioners were arrested on the same day.

2. The learned Public Prosecutor opposed the application.

3. The occurrence took place on 6.11.2006 at 1.30 p.m. when the petitioners after criminally trespassing into the house of the de facto complainant assaulted her and snatched her gold ornaments weighing 10.5 sovereign owned by her and had also committed theft of one camera and cash worth Rs.2,300/- kept in Alamirah. Apart from the fact that a crime was committed during broad day light, accused Nos. 3 and 4 are also accused in other crimes of similar nature. The fifth accused in the case is still at large and gold ornaments worth 10 sovereign are yet to be recovered by the police. Having regard to the criminal antecedents of accused Nos. 3 and 4, I am not inclined to grant bail to them at this stage of investigation. At the same time,

the second accused, who is the first petitioner herein, does not appear to have any criminal antecedents. He was at the time of occurrence merely sitting in the car. He has been in custody since 6.11.2006 onwards. Under these circumstances, I am inclined to grant bail to the second accused. Accordingly, the second accused (Varghese) is directed to be released on bail on his executing a bond for Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Chalakkudy and subject to the following conditions:

1. The first petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The first petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
3. The first petitioner shall not commit any offence while on bail.

If the first petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed in part dismissing the request of accused Nos. 3 and 4 for bail and granting bail to the second accused.

V.RAMKUMAR, JUDGE.

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V.Ramkumar,
Judge.

ess